

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 3890 OF 2024
IN
CRIMINAL APPEAL NO. 1050 OF 2024

Lawrence Aniceto Fernandez ... Applicant

versus

The State of Maharashtra & Anr. Respondents

Mr. Dushyant Digamber i/b. Mr. Amit Icham, Advocate for the Applicant.
Mr. Sameer M. Mangaonkar, APP for Respondent No.1-State.
Mr. Ashutosh Shukla i/b. Ms. Tanvi Tapkire, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th MAY, 2025.

P.C. :

1. By this application, the applicant is seeking suspension of sentence and bail during the pendency of appeal filed by the applicant.
2. The applicant has been convicted for offences punishable under Section 354 of the Indian Penal Code 1860 (for short "IPC") and Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO") and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.50,000/-; and in default, to suffer simple imprisonment for six months.
3. It is the contention of learned counsel for the applicant that during the trial, the applicant was on bail and even after his conviction, he was granted bail under Section 389 of the Cr.PC by the learned trial

Judge. Interim protection granted by this Court is operating in favour of the applicant since 30th September 2024. The applicant has not misused the liberty. Hence, requested to allow the application.

4. Learned APP for respondent No.1-State along with learned counsel for respondent No.2 strongly objected to allow the application.

5. I have heard all learned counsel.

6. During the trial, the applicant was on bail and even after his conviction, he was granted bail under Section 389 of the Cr.PC by the learned trial Judge. Interim protection granted by this Court is operating in favour of the applicant since 30th September 2024. The applicant has not misused the liberty. The sentence imposed on the applicant is short term sentence. It may take time to dispose of the appeal.

7. In view of above, the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the appeal, on the following terms and conditions.

ORDER

- i. The applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
 - ii. The bail bond to be furnished before the Trial Court. Interim Application stands disposed of.
9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)